

NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES

WATER COUNCIL

Docket No. 03-10-WC

**RECEIVED**

**JUL 22 2005**

In the Matter of:  
Conservation Law Foundation  
In Re: Water Quality Certificate #2003-001

**INTERVENOR'S OBJECTION TO**  
**CONSERVATION LAW FOUNDATION'S**  
**MOTION TO CONTINUE**

NOW COMES Endicott General Partnership, the applicant in the above matter, hereinafter "Endicott," who objects to the Conservation Law Foundation's ("CLF's") Motion to Continue stating as follows:

1. CLF seeks to continue the hearing scheduled for August 10, 2005 in this matter.
2. Endicott does not agree with all of the factual assertions in CLF's Motion and has objected to the CLF's Motion to Compel.
3. Endicott originally obtained Planning Board approval for the above project on June 20, 2002, to which the CLF filed no appeal to the Superior Court.
4. That Endicott filed its initial application for DES approvals on June 12, 2002 and has obtained Wetland Bureau permits as the result of elongated hearings which resulted in decisions on March 19, 2003, September 17, 2003 and February 4, 2004, in which the CLF fully participated.
5. On November 12, 2004, the Wetlands Council affirmed the decisions of the Wetlands Bureau regarding all prior permits and the CLF fully participated in this hearing.

6. That on July 7, 2005, the New Hampshire Superior Court, Rockingham County, affirmed the decision of the Wetlands Council regarding the granting of Wetlands Bureau permits. The CLF fully participated in the Superior Court trial.

7. A review of the Witness and Exhibit List supplied by CLF indicates that the vast majority of all of the testimony and documentary evidence that will come before the Water Council has already been reviewed, examined and commented upon by the CLF in the above-cited various proceedings.

8. That the finality of this DES permitting process is long overdue, and any further attempts at delay prejudice adversely Endicott who seeks to proceed with a project that has received all necessary local and DES permits.

9. The fact that the Council has not rendered a decision with regard to the legal issue regarding the Wetlands Council rules should not result in a delay of the proceedings in that the Council has adequate time to consider and make such a decision at the hearing scheduled for August 10, 2005.

WHEREFORE, Endicott respectfully moves and prays:

- A. That the Motion to Continue be denied; and
- B. For such other and further relief as may be just.

Respectfully submitted,

ENDICOTT GENERAL PARTNERSHIP  
By its attorneys,  
McNEILL, TAYLOR & GALLO, P.A.

Dated: July 22, 2005

By:

**COPY**  
  
Malcolm R. McNeill, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that the within has this date been forwarded by first-class mail, postage prepaid to Thomas F. Irwin, Esq. Paul M. Currier, Administrator IV, Watershed Management Bureau, and Jennifer J. Patterson, Esq.

**COPY**  
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Malcolm F. McNeill, Jr.